

**IN THE UNITED STATES DISTRICT COURT
FOR THE
WESTERN DISTRICT OF TENNESSEE, at JACKSON**

**NON-PARTY's MOTION TO QUASH SUBPOENA
AND FOR PROTECTIVE ORDER**

COMES Dr. John C. Wood, a non-party recipient of the subpoena attached hereto as Exhibit A, by and through counsel, pursuant to Local Criminal Rule 12.1 and Rule 17 of the Federal Rules of Criminal Procedure, respectfully moves for an order quashing the “SUBPOENA TO TESTIFY AT A HEARING OR TRIAL IN A CRIMINAL CASE” issued on May 8, 2019 from this Court and commanding the witness to appear less than two (2) business days after the non-party’s receipt and testify in a courtroom more than five hours away from the non-party’s home and medical practice location.. This motion is supported by the contemporaneously filed memorandum of law and the Declaration of John C. Wood, M.D.

As grounds for this motion, Dr. Wood would show that on the afternoon of May 9, 2019, he was supplied a subpoena commanding his appearance at 1:30 p.m. on Monday, May 13, 2019, for an indeterminate period in Jackson, Tennessee, to provide live testimony and production of certain documents including, but not limited to, electronically stored information which is the possession of Mr. Young which are reviewed by Dr. Wood while in Mr. Young's office in Jackson, Tennessee on at least one occasion per month. The issued subpoena is unreasonable

and oppressive, among other things, and should be quashed. Alternatively, if not quashed, the subpoena should be modified. The subpoena issued just days ago and was served immediately prior to a weekend and Mother's Day. If not quashed or modified, the subpoena will negatively impact the non-party witness, his medical practice and, most importantly, his patients. This motion is supported by the contemporaneously filed memorandum of law and the Declaration of John C. Wood, M.D.

For the above stated reasons, and other reasons that may be presented if the opportunity is provided for an expedited hearing on this motion, Dr. Wood respectfully requests that this motion be heard telephonically and be granted. Dr. Wood also seeks all further relief as this Court may deem just and proper.

CERTIFICATE PURSUANT TO LCR 12.1

The attorneys for the non-party witness, Dr. John C. Wood, hereby certify that before filing this motion Attorneys John Konvalinka discussed this matter telephonically on May 10, 2019, with AUSA Andrew Pennebaker, counsel for the U.S. Department of Justice, but were unable to resolve this matter satisfactorily without the necessity of filing this motion.

Respectfully submitted,

GRANT, KONVALINKA & HARRISON, P.C.

s/ John P. Konvalinka

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Attorneys for Non-party witness

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that on May 12, 2019, a true and correct copy of the foregoing document was forwarded by electronic means through the Court's ECF System and by email to the following parties:

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